

04 JAN 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Fitzgerald, John K.
Fulwider Patton
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles CA 90045

In re Application of :
MURRAY et al. :
Application No.: 10/575,589 : DECISION
PCT No.: PCT/GB2004/004371 :
Int. Filing Date: 14 October 2004 :
Priority Date: 15 October 2003 :
Attorney Docket No.: URQUH73865 :
For: LABORATORY APPARATUS WITH :
TWO CABINETS :
:

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 18 December 2007 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** as **MOOT**.

BACKGROUND

On 14 October 2004, applicants filed international application PCT/GB2004/004371, which designated the United States and claimed a priority date of 15 October 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 06 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 April 2006 (15 April 2006 being a Saturday).

On 12 April 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 December 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 31 May 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four month extension of time, a declaration of inventors, a declaration of Sue Ratcliffe, a declaration of Andrew Skinn, and a declaration of John K. Fitzgerald.

On 25 June 2007, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a) for failing to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision also noted that the declaration of inventors filed 31 May 2007 contains a signature under the name of Fergus Francis Murray and it was not clear whose signature this was.

On 18 December 2007, applicants filed the instant renewed petition under 37 CFR 1.47(a) (The submission title refers to 37 CFR 1.47(b) but has properly been treated as a petition under 37 CFR 1.47(a). See also the decision mailed 25 June 2007.) which was accompanied by a declaration of inventors signed by previously non-signing inventor Fergus Francis Murray and a petition/fee for a four month extension of time.

DISCUSSION

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declarations of inventors filed 31 May 2007 and 18 December 2007 are in compliance with 37 CFR 1.497(a)-(b). The issue of the signature under the name of Fergus Francis Murray in the declaration of inventors filed 31 May 2007 is moot since a proper declaration signed by Mr. Murray has been provided.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459